

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SCOTT C. SAVETT and SHERYL BARNES,
*individually and on behalf of all others similarly
situated,*

Plaintiffs,

v.

**CAPITAL ONE, N.A. and CAPITAL ONE
FINANCIAL CORP.,**

Defendants.

Civil Action No. 1:23-cv-00890-RDA-JFA

NOTICE OF WAIVER OF ORAL ARGUMENT

Defendants Capital One, N.A. and Capital One Financial Corp. (together, “Capital One”), with the consent of Plaintiffs Scott C. Savett and Sheryl Barnes (“Plaintiffs,” and collectively with Capital One, the “Parties”), notify the Court that they agree to waive oral argument on the Consent Motion for Order Regarding Filing of Second Amended Complaint.

Dated: October 12, 2023

Respectfully submitted,

McGuireWoods LLP

/s/ Bryan A. Fratkin

Bryan A. Fratkin (VSB No. 38933)
800 East Canal Street
Richmond, VA 23219
Tel.: (804) 775-1000
Fax: (804) 775-1061
bfratkin@mcguirewoods.com

John S. Moran (VSB No. 84236)
888 16th Street NW, Suite 500
Washington, DC 20006
Tel.: (202) 828-2817
Fax: (202) 828-3327

jmoran@mcguirewoods.com

King & Spalding LLP

David Balser (*pro hac vice* forthcoming)
John C. Toro (*pro hac vice* forthcoming)
1180 Peachtree Street, NE
Suite 1600
Atlanta, GA 30309
Tel.: (404) 572-4600
dbalser@kslaw.com
jtoro@kslaw.com

Jamie Dycus (*pro hac vice* forthcoming)
1185 Avenue of the Americas
34th Floor
New York, New York
Tel.: (212) 556-2100
jdycus@kslaw.com

*Counsel for Defendants Capital One, N.A.
and Capital One Financial Corporation*

CERTIFICATE OF SERVICE

I certify that on October 12, 2023, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Bryan A. Fratkin

Bryan A. Fratkin

*Counsel for Defendants Capital One, N.A. and
Capital One Financial Corporation*